

# EXHIBIT

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**From:** Joshua J. Cauhorn <jcauhorn@burkelaw.com>  
**Sent:** Saturday, July 20, 2024 10:39 AM  
**To:** Tschida, Zach  
**Cc:** Danielle J. Gould; Jolisa Warmack  
**Subject:** Re: Iconic et al v. Bosch | Rule 37 Communication Recap [IC-VW]

Zach:

Will do. Congratulations. You were a true professional in this case. Best of luck in your future endeavors.

Take care,  
Josh

**Joshua J. Cauhorn | Partner**  
P 312-840-7055 | F 312-840-7900 | M 260-582-1229 | jcauhorn@burkelaw.com | www.burkelaw.com  
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*Effective January 1, 2024, the Corporate Transparency Act (CTA) will require many legal entities to file certain information with the Financial Crimes Enforcement Network (FinCEN). Please contact your Burke Warren attorney to discuss your compliance obligations.*

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**From:** Tschida, Zach <ztschida@cgsh.com>  
**Sent:** Saturday, July 20, 2024 1:07:27 AM  
**To:** Joshua J. Cauhorn <jcauhorn@burkelaw.com>  
**Cc:** Danielle J. Gould <DGould@burkelaw.com>; Jolisa Warmack <JWarmack@BurkeLaw.com>  
**Subject:** RE: Iconic et al v. Bosch | Rule 37 Communication Recap [IC-VW]

**[EXTERNAL]**

Hi Josh,

When you're ready, you can send the proposed stipulations to Carmine. I'll be leaving the firm to start a clerkship.

Best,  
Zach

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**Zach Tschida**  
Cleary Gottlieb Steen & Hamilton LLP  
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Palo Alto, CA 94304-1254  
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ztschida@cgsh.com | clearygottlieb.com  
Pronouns: he/him/his

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**From:** Joshua J. Cauhorn <jcauhorn@burkelaw.com>  
**Sent:** Tuesday, July 16, 2024 8:36 AM  
**To:** Tschida, Zach <ztschida@cgsh.com>

**Cc:** Danielle J. Gould <DGould@burkelaw.com>; Jolisa Warmack <JWarmack@BurkeLaw.com>

**Subject:** RE: Iconic et al v. Bosch | Rule 37 Communication Recap [IC-VW]

Zach:

Thanks for the call today. As we discussed:

- Within the next few days, I will send over proposed stipulations relative to the first two bullet points in my 7/3 email below. After you have had an opportunity to review with your client, you will follow up by scheduling a phone call or by response email.
- We will table the last bullet point in my 7/3 email (Interrogatory Nos. 5 and 6) pending the above.

Thanks,

Josh

**Joshua J. Cauhorn | Partner**

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**From:** Joshua J. Cauhorn <[jcauhorn@burkelaw.com](mailto:jcauhorn@burkelaw.com)>

**Sent:** Wednesday, July 3, 2024 1:15 PM

**To:** Tschida, Zach <[ztschida@cgsh.com](mailto:ztschida@cgsh.com)>

**Cc:** Danielle J. Gould <[DGould@burkelaw.com](mailto:DGould@burkelaw.com)>; Jolisa Warmack <[JWarmack@BurkeLaw.com](mailto:JWarmack@BurkeLaw.com)>

**Subject:** RE: Iconic et al v. Bosch | Rule 37 Communication Recap [IC-VW]

Zach:

Thanks for the call today. As we discussed:

- As to the documents listed in Iconic's business record-related requests to admit, we discussed the possibility of a more general stipulation as to their admissibility. I will consider that on my end.
- As to Iconic's party-admission related requests to admit, you stated that you would consider stipulations closer to the documents themselves being party admissions instead of admissions regarding the underlying facts in the requests.
- As to Interrogatory No. 2, we decided to table that for now, having discussed our views on the procedure for how document translations may be addressed down the road.
- As to Interrogatory Nos. 5 and 6, you stated that you will consider an amended interrogatory (or answer) narrowing the interrogatory to only ask about certain documents and the use of terms by certain people.

We agreed to regroup on July 16 at 10:00 a.m. I will send an invite out (immediately this time) to save the time.

Best,

Josh

**Joshua J. Cauhorn | Partner**

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**From:** Joshua J. Cauhorn

**Sent:** Tuesday, June 18, 2024 5:37 PM

**To:** 'Tschida, Zach' <[ztschida@cgsh.com](mailto:ztschida@cgsh.com)>

**Cc:** Danielle J. Gould <[dgould@burkelaw.com](mailto:dgould@burkelaw.com)>; Jolisa Warmack <[JWarmack@BurkeLaw.com](mailto:JWarmack@BurkeLaw.com)>

**Subject:** RE: Iconic et al v. Bosch | Rule 37 Communication Recap [IC-VW]

Zach:

Thanks for the call today. As we discussed:

- Regarding the individual requests from my May 30 email, you suggested that Bosch should be able to admit the authentication-based requests to admit as we have agreed to revise them. You will email me the specific language as to how this would work.
- We also discussed a possible stipulation or modified admission addressing objections to the requests to admit regarding hearsay issues (i.e., the business record and party-admission-related requests). I agreed to further research how Judge Breyer considers evidentiary stipulations. You agreed to discuss on your end the scope of what a stipulation could entail – i.e., could Bosch stipulate that, for purposes of this litigation only, it will not contest that certain documents/communications may be admitted for a non-hearsay party-admission use.
- Interrogatories: You asked that I examine the compound objection to No. 2, specifically Bosch's contention that the interrogatory has 46 subparts. I asked that you further reconsider the objections to Nos. 5-6, specifically the vague and ambiguous objections to those interrogatories.

We agreed to regroup on 6/27 at 3:00 p.m. CT. Invite to follow.

Thanks,  
Josh

**Joshua J. Cauhorn | Partner**

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**From:** Joshua J. Cauhorn <[jcauhorn@burkelaw.com](mailto:jcauhorn@burkelaw.com)>

**Sent:** Monday, June 10, 2024 2:34 PM

**To:** Tschida, Zach <[ztschida@cgsh.com](mailto:ztschida@cgsh.com)>

**Cc:** Danielle J. Gould <[DGould@burkelaw.com](mailto:DGould@burkelaw.com)>; Jolisa Warmack <[JWarmack@BurkeLaw.com](mailto:JWarmack@BurkeLaw.com)>

**Subject:** RE: Iconic et al v. Bosch | Rule 37 Communication Recap

Zach:

Thanks for the call today. As we discussed:

- You are following up on your end regarding the individual requests in my May 30 10:27 a.m. email below.
- I will consider your suggestions surrounding whether those requests relating to scope of employment may be avoided through either a stipulation or admission relating to a business record.

We agreed to follow up on a subsequent call on June 18 at 4:00 p.m. CT. I will send an invite.

Please advise if you believe I have misstated anything.

Thank you.

Best,  
Josh

**Joshua J. Cauhorn | Partner**

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**From:** Joshua J. Cauhorn <[jcauhorn@burkelaw.com](mailto:jcauhorn@burkelaw.com)>

**Sent:** Thursday, May 30, 2024 10:27 AM

**To:** Tschida, Zach <[ztschida@cgsh.com](mailto:ztschida@cgsh.com)>

**Cc:** Danielle J. Gould <[DGould@burkelaw.com](mailto:DGould@burkelaw.com)>; Jolisa Warmack <[JWarmack@BurkeLaw.com](mailto:JWarmack@BurkeLaw.com)>

**Subject:** Ironic et al v. Bosch | Rule 37 Communication Recap

Zach:

Thank you for the call today regarding Bosch's objections to Plaintiffs' Requests for Admission in the above-referenced matter.

We discussed the following Requests for Admission:

- 37: You inquired whether there is a Bosch-produced version. I represented that we are not aware of one. You will reconsider Bosch's response.
- 65-68: You inquired whether there is a Bosch-produced version. I represented that we are not aware of one. You will reconsider Bosch's response.
- 74: You believe No. 74 is cumulative. You will re-examine Bosch's response to No. 75, which could accomplish Plaintiffs' goal.
- 128: You inquired whether it would be acceptable, without conceding Bosch would do so, for Bosch to admit that Exhibit 14-A is a true and correct copy of the subject email. I indicated that would be a way to resolve the issue as to No. 128. You will consider this path forward.
- 98-99: You inquired whether there is a Bosch-produced version. I represented that we are not aware of one. You will reconsider Bosch's response.
- 188-189: You inquired whether there is a Bosch-produced version. I represented that we are not aware of one. You will reconsider Bosch's response.
- 289-291: I will reconsider whether Plaintiffs can agree to remove the reference in these Requests to the document being received by Bosch-associated individuals. You agreed to concurrently reconsider No. 292.

As to the Requests for Admission as a whole, we also discussed that Plaintiffs designed their Requests to address foundational and authenticity issues in the most efficient manner possible. A series of repeated Requests were made for each document allowing for several contingencies. Plaintiffs are willing to work with Bosch to as to each document so long as required foundation and authenticity admissions are obtained.

Please advise if I misstated anything.

We agreed to reconvene on June 10 at 2:00 p.m. CT. I will send a calendar invitation.

Respectfully,

**Joshua J. Cauhorn**

*Partner*

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MACKAY & SERRITELLA, P.C.

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